

Guidelines for Submitting Uncontested Probate-Docket Paperwork

Travis County Probate Court No. 1

Note to pro se applicants:

Please see the handout called “*Court Policy Regarding Pro Se Applicants*” for the procedures you need to follow. The procedures described in this handout are designed for attorneys who must electronically file all documents, not for pro se applicants.

It is the Court’s policy to review—before the hearing—all documents for an uncontested probate matter. We must receive all documents no later than 10:00 a.m. on the Tuesday the week before the scheduled hearing, or the hearing is subject to cancellation (Monday or even earlier preferred). By reviewing the documents before the hearing, the Court can ensure that hearings go more smoothly for participants who are already dealing with the stress of someone’s death. Attorneys also benefit from smoother hearings and can avoid having errors pointed out to them in front of their clients. Please see page 2 regarding what documents you need to submit to the Court before the deadline.

How do you get documents to the Court for review?

- **Wills.** Original Wills and any copies of Wills that are offered for probate (or filed and not offered for probate) must be physically filed in the Clerk’s office within three business days after the application is electronically filed. The Court recommends—but does not require—that you also file a pdf of the Will with your application, either as an exhibit or as a separate document.
- **Everything else except the proposed testimony, oaths, and orders that will be signed after the hearing.** Pursuant to Texas Rule of Civil Procedure, attorneys must now e-file everything they are *filing* – and that includes everything from waivers to affidavits of publication to appointments of resident agents. *If it is a document executed before the hearing, TRCP 21 requires that you e-file it, and our guidelines require that you file it before the deadline indicated above. We are no longer able to have you bring something in and get it file-stamped right before the hearing.*
- **Proposed testimony, oaths, and orders that will be signed after an uncontested probate hearing:**
 - ✓ **NEVER E-FILE PROPOSED DOCUMENTS FOR AN UNCONTESTED PROBATE-DOCKET HEARING!** Never e-file proposed testimony, oaths, or orders that will be signed after an uncontested probate hearing. With the clerk’s document management system, the Court does not get any proposed documents that are e-filed in uncontested probate cases. (Don’t worry about TRCP 21; it doesn’t apply since these documents are not actually “filed” before the hearing.)
 - ✓ Instead – after the hearing is set – email the proposed testimony, oaths, and orders to the Court:
 1. For everything except heirships, email documents to madeline.schlesinger@traviscountytexas.gov.
 2. For heirships, email documents to heirships@traviscountytexas.gov.
 3. Put the hearing date and estate name in the subject line.
 4. We prefer Word or rtf in case slight modifications are needed. Other editable formats are okay.
 - ✓ We strongly prefer email, but your only other option is to deliver the documents directly to the Court, not to the Clerk, indicating the hearing date and time on a Post-It note or cover sheet attached to the documents.

If you email pdf versions or deliver hard copies, please see the caveats in the box at the top of the next page.

Emailing pdfs? Hand delivery?

If you send proposed testimony, oaths, and orders to the court in a format we cannot alter, even for minor changes:

- please be especially careful about how you draft the documents
- please watch for emails before the hearing in case changes need to be made
- please let the Court know when a hearing has been set

What documents does the Court need before the deadline?

You must e-file the following three documents in all cases:

1. the application,
2. the 2-page case information sheet (filed *with* the application as required by Texas Supreme Court), and
3. the death certificate (cross out the Social Security Number).

See the following chart for the minimum additional documents we need in different situations:

| Minimum* <u>additional</u> documents necessary for Letters | Minimum* <u>additional</u> documents necessary for Muniment | Minimum* <u>additional</u> documents necessary for Heirship |
|--|--|--|
| <ol style="list-style-type: none">1. Will2. Order3. Proof of death and other facts4. Oath | <ol style="list-style-type: none">1. Will2. Order3. Proof of death and other facts | <ol style="list-style-type: none">1. Proof of death and other facts2. Statement of facts concerning the identity of heirs for each of two disinterested witnesses3. Oath (if seeking administration)4. Electronic version of heirship chart (we prepare the Judgment, but we use information from you about the heirs) <p><i>Following must all be e-filed <u>before</u> hearing is set:</i></p> <ol style="list-style-type: none">5. Affidavit of citation by publication6. Service of citation on—or waiver from—all non-applicant heirs and other persons requiring notice under Texas Estates Code § 202.0087. Consents from all heirs if seeking independent administration8. Section 202.057 affidavit or certificate |
| <p>* Additional documents will be required for copies of wills, wills that are not self-proved, wills that are being probated more than four years after death—or if there are needed waivers, declinations, appointments of resident agents, <i>etc.</i></p> | | |

If you have questions about the uncontested docket or these guidelines, please email the Staff Attorney (Law Clerk to Judge Herman) at madeline.schlesinger@traviscountytx.gov, or call her at (512) 854-9283.

For heirship questions, email heirships@traviscountytx.gov.